

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE  
W/S Susquehanna Ave., 160 ft.  
S of c/1 Chester Road  
1004 Susquehanna Avenue  
15th Election District  
5th Councilmanic District  
Thomas A. Lehner, et ux  
Petitioners

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 92-291-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a garage in the front and side yards, in lieu of the rear yard, and with a height of 18 ft., in lieu of the required 15 ft., as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

This property is located within the Chesapeake Bay Critical Areas and is subject to compliance with the recommendations to be made by the Department of Environmental Protection and Resource Management (DEPRM), pursuant to Section 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.), upon completion of their findings. The relief granted herein shall be conditioned upon Petitioners' compliance with said findings.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 27th day of March, 1992 that the Petition for a Zoning Variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a garage in the front and side yards, in lieu of the rear yard, and with a height of 18 ft., in lieu of the required 15 ft., in accordance with Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

IT IS FURTHER ORDERED that the Petitioners shall comply fully and completely with all requirements and recommendations of the Department of

Environmental Protection and Resource Management (DEPRM) dated February 6, 1992, attached hereto and made a part hereof.

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES/mmm

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

March 4, 1992

Mr. and Mrs. Thomas A. Lehner  
1004 Susquehanna Avenue  
Baltimore, Maryland 21220

RE: Petition for Residential Zoning Variance  
Case No. 92-291-A

Dear Mr. and Mrs. Lehner:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT  
Zoning Commissioner

LES:mmm  
encl.

ORDER RECEIVED  
Date: 3/11/92  
By: [Signature]

-3-

PETITION FOR ADMINISTRATIVE VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property located in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 400.1 & 400.3

To allow a garage in the front and side yard with a height of 18' in lieu of the rear yard and 15' in height.

of the Zoning Regulations of Baltimore County for the following reasons: (indicate hardship or practical difficulty)

This is the only practical location on the lot since:  
1. waterfront property - 100' setback  
2. location of septic system next to dwelling  
3. existing trees on property next to house which prevent an attached garage  
4. next to road limits driveway paving  
5. height variance requested to match gable roof of house and for additional storage area  
Property to be advertised and/or posted as prescribed by Zoning Regulations

I/we agree to pay expenses of the above posting and, if necessary, advertising, upon filing of this petition, and further agree to be and to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for and for the subject property.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser:

(Type or print name)

(Signature)

Address

City State Zip Code

Attorney for Petitioner:

(Type or print name)

(Signature)

Address

City State Zip Code

Legal Owner(s):

(Type or print name)

(Signature)

Address

City State Zip Code

Attorney for Petitioner:

(Type or print name)

(Signature)

Address

City State Zip Code

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 19th day of March, 1992, that the subject matter of this petition be set in for a public hearing, advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be posted.



ZONING COMMISSIONER OF BALTIMORE COUNTY

REVIEWED BY: [Signature] DATE: 3/11/92

ESTIMATED POSTING DATE: 2/16/92 ESTIMATED CLOSING DATE

Form # 310

AFFIDAVIT 92-291-A  
IN SUPPORT OF ADMINISTRATIVE VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) were competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do/does presently reside at 1004 Susquehanna Ave, Baltimore, MD 21220

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

This is the only practical location on the lot since:

1. waterfront property - 100' setback  
2. location of septic system next to dwelling  
3. existing trees on property next to house which prevents an attached garage  
4. next to road limits driveway paving  
5. height variance requested to match gable roof of house and for additional storage area

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

[Signature] [Signature]  
[Signature] [Signature]  
[Signature] [Signature]

STATE OF MARYLAND, COUNTY OF BALTIMORE, ss: I, \_\_\_\_\_, 1992, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared \_\_\_\_\_

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

[Signature]  
Notary Public

My Commission Expires:

MY COMMISSION EXPIRES AUGUST 1, 1992

ZONING DESCRIPTION FOR 1004 Susquehanna Ave.

Beginning at a point on the west side of Susquehanna Ave. which is 40' wide at the distance of 160' south of the centerline of the nearest improved intersecting street, Chester Rd. Being Lot 124 in the subdivision of Long Beach Estates as recorded in Baltimore County Plat Book #45, Folio #128 containing 1.65 acres. Also known as 1004 Susquehanna Ave. and located in the 15th Election District and 5th Councilmanic District.

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 15th Date of Posting: 3/11/92

Posted for: [Signature]

Petitioner: [Signature]

Location of property: 1004 Susquehanna Ave, Baltimore, MD

Location of Sign: [Signature]

Remarks: [Signature]

Posted by: [Signature]

Number of Signs: 1

111 West Chesapeake Avenue  
Towson, MD 21204

February 4, 1992

(410) 887-3353

Rosemarie L. Lehner and Thomas A. Lehner  
1004 Susquehanna Avenue  
Baltimore, Maryland 21220

Re: CASE NUMBER: 92-291-A

LOCATION: W/S Susquehanna Avenue, 160' S of c/1 Chester Road  
1004 Susquehanna Avenue  
15th Election District - 5th Councilmanic

Dear Petitioner(s):

Please be advised that your petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before February 16, 1992. The closing date is March 2, 1992. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an order will issue. This order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in two local newspapers. Charges related to the reporting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

[Signature]  
Lawrence E. Schmidt  
Zoning Commissioner  
Baltimore County



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

February 25, 1992

Mr. & Mrs. Thomas A. Lehner  
1004 Susquehanna Avenue  
Baltimore, MD 21220

RE: Item No. 310, Case No. 92-291-A  
Petitioner: Thomas A. Lehner, et ux  
Petition for Administrative Variance

Dear Mr. & Mrs. Lehner:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Zoning Plans Advisory Committee Comments  
Date: February 25, 1992  
Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Very truly yours,

*W. Carl Richards, Jr.*  
W. Carl Richards, Jr.  
Zoning Coordinator

MCR:jw

Enclosures



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this  
31st day of January, 1992.

*Arnold Jablon*  
ARNOLD JABLON  
DIRECTOR

Received By:

*W. Carl Richards, Jr.*  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Thomas A. Lehner, et ux

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: February 21, 1992  
Zoning Administration and  
Development Management

FROM: Gary L. Kerns, Chief  
Comprehensive and Community Planning  
Office of Planning and Zoning

SUBJECT: Reinecke Property, Item No. 308  
Lehner Property, Item No. 310  
Forthuber Property, Item No. 313  
McDougall Property, Item No. 317

In reference to the applicants' request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

GLK/JL:rdn  
ITEM308/TXTROZ



700 East Joppa Road Suite 901  
Towson, MD 21204-5500

(301) 887-4500

February 5, 1992

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: ROSEMARIE L. LEHNER AND THOMAS A. LEHNER  
Location: #1004 SUSQUEHANNA AVENUE  
Item No.: 310 Filing Agency: FEBRUARY 11, 1992

Centimeter:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Carlton J. Davis* Noted and Approved  
Fire Prevention Bureau  
Special Inspection Division

JP/EE

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

February 6, 1992

TO: Arnold Jablon, Director  
Zoning Administration and Development Management

FROM: DIVISION OF GROUND WATER MANAGEMENT

SUBJECT: Zoning Item #310, Zoning Advisory Committee Meeting of  
February 11, 1992, Rosemarie L. Lehner & Thomas A. Lehner,  
W/S Susquehanna Avenue, 160' S of centerline Chester Road  
(#1004 Susquehanna Avenue), D-15, Public Water and Sewer

COMMENTS ARE AS FOLLOWS:

Any permanent building structure must be a minimum of 20 feet from the septic system. An inspection of the septic system is required prior to approval of a building permit.

SSF:rmp

310.ZMG/GWRMP

RECEIVED  
FEB 10 1992

ZONING OFFICE

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: February 13, 1992  
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting  
for February 11, 1992

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for items 305, 309, 310, 311 and 312.

For Items 171 (Case #91-171-A) and 265 (Case #92-254-A), the previous County Review Group Comments remain valid.

*Robert W. Bowling*  
ROBERT W. BOWLING, P.E., Chief  
Developers Engineering Division

RWB:s

BALTIMORE COUNTY  
ECONOMIC DEVELOPMENT COMMISSION  
Memorandum

TO: Julie Winiarski  
Office of Zoning Administration and  
Development Management

FROM: A. J. Haley, Deputy Director  
Economic Development Commission

DATE: February 5, 1992

RE: Zoning Advisory Comments for Meeting of February 11, 1992

This office has no comment for items 305, 309, 310, 311 or 312.

RECEIVED  
FEB 6 1992

ZONING OFFICE

92-291-A 3-2-92

BUREAU OF TRAFFIC ENGINEERING  
DEPARTMENT OF PUBLIC WORKS  
BALTIMORE COUNTY, MARYLAND

DATE: March 3, 1992

TO: Mr. Arnold Jablon, Director  
Office of Zoning Administration  
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: February 11, 1992

This office has no comments for item numbers 305, 309, 310, 311 and 312.

*Rahee J. Famili*  
Rahee J. Famili  
Traffic Engineer II

RJF/lvd

RECEIVED  
MAR 9 1992  
ZONING OFFICE

92-291-A 3-2

Baltimore County Government  
Department of Environmental Protection  
and Resource Management

401 Bosley Avenue  
Towson, MD 21204

March 16, 1992

(410) 887-3733

Mr. and Mrs. Thomas Lehner  
1004 Susquehanna Avenue  
Baltimore, Maryland 21220

Dear Mr. and Mrs. Lehner:

The Baltimore County Chesapeake Bay Critical Area Program has reviewed your request for a Zoning Variance, Item #310. Your property is located in a Limited Development Area of the Chesapeake Bay Critical Area, therefore, the following regulations apply to your property.

1. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Section 26-449(a)>.
2. Regulation: "A minimum 25 foot buffer shall be maintained around all non-tidal wetlands so that development or other activities will not adversely affect the wetlands or the wildlife contained therein" <Baltimore County Code Section 26-448(a)>.
3. Regulation: "The sum of all man-made impervious areas shall not exceed 15% of the lot" <COMAR 14.15.02.04 C.(7)>.
4. Regulation: "If no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland cover of at least 15%" <COMAR 14.15.02.04 C.(5)(e)>.
5. Regulation: "Infiltration of stormwater shall be maximized throughout the site, rather than directing flow to single discharge points" <Baltimore County Code, Section 26-453(h)(2)>.

Printed on Recycled Paper

Mr. and Mrs. Thomas Lehner  
March 16, 1992  
Page 2

For this Program to prepare a Findings for your property to process your Zoning Variance, a Findings Plan is required for your property. A Findings Plan contains more information than is normally required for a building permit application. A Findings Plan Requirements Checklist has been enclosed that specifies the information required on a Findings Plan. A field visit to your property has indicated the presence of tidal waters, tidal wetlands, non-tidal wetlands, and a tributary stream. These resources must be field delineated, verified by the Environmental Impact Review Division, surveyed, and shown on the Findings Plan, with the appropriate buffers. All existing and proposed structures must be clearly shown. No new construction will be allowed in any stream or wetland buffer. Please show all existing and proposed trees and shrubs on the site to determine if the 15% tree coverage requirement has been met. Stormwater runoff from the new garage must be directed to seepage pits or drywells, and these must also be noted on the plan.

If you have any questions, please contact Ms. Susan Overstreet at 887-2904.

Sincerely,

*Patricia M. Farr*

Patricia M. Farr  
Coordinator  
Chesapeake Bay Critical Area Program

PMF:SRO:ju  
Attachment  
cc: Mr. Arnold Jablon

LEHNER/TXTNS

RECEIVED  
MAR 23 1992  
ZONING OFFICE

Baltimore County Government  
Department of Environmental Protection  
and Resource Management

401 Bosley Avenue  
Towson, MD 21204

September 21, 1992

(410) 887-3733

Mr. and Mrs. Thomas Lehner  
1004 Susquehanna Avenue  
Baltimore, Maryland 21220

Dear Mr. and Mrs. Lehner:

The Baltimore County Chesapeake Bay Critical Area Program has reviewed the Findings Plan submitted to accompany your request for a Zoning Variance, Item #310. The following comments are in response to this submittal and to your letter of August 10, 1992:

1. Tidal waters and tidal wetlands are present on your site. Non-tidal wetlands may also be present on your site. These resources must be field located, verified by the Environmental Impact Review Division, surveyed, and shown on the Findings Plan, with the appropriate buffers. This office can delineate or field locate these resources for you if a written request is submitted. It was previously stated that a stream was present on your site, however, upon further investigation, it has been determined that the channel on your property is not a tributary stream. A minimum 100 foot buffer is required from the landward edge of the tidal wetlands. A 25 foot buffer is required from non-tidal wetlands. If full buffers cannot be established due to existing development, then the buffers must be established at the limit of existing development. A note stating "there shall be no clearing, grading, construction, or disturbance of vegetation in wetland or stream buffer areas, except as allowed by DEPDM" must be shown on the plan. The non-tidal wetland buffer (if applicable) should be marked on the property either by fence or vegetation, to establish the limits of non-disturbance. A pathway for access to the shoreline may be maintained through the buffer.
2. The existing shed and pier and the proposed garage and driveway (if applicable) must also be shown on the plan. The garage cannot be located in the buffer of the tidal or non-tidal wetlands. If a porous stone driveway is proposed, it must be constructed of washed layered stone or slag on a filter fabric base, and the proposed construction must be noted on the plan.

Printed on Recycled Paper

Mr. and Mrs. Lehner  
September 21, 1992  
Page 2

3. Drywells will be required for the proposed garage, to treat the first one-half inch of runoff (see attachment), and must be noted on the plan.

If you have any questions, please contact me or Ms. Susan Overstreet at 887-2904.

Sincerely,

*Patricia M. Farr*

Patricia M. Farr  
Program Supervisor  
Environmental Impact Review Division

PMF:SRO:ju

Attachment

c: Mr. Arnold L. Jablon

LEHNER/WQBCA

RECEIVED  
SEP 29 1992  
ZONING OFFICE

92-291-A

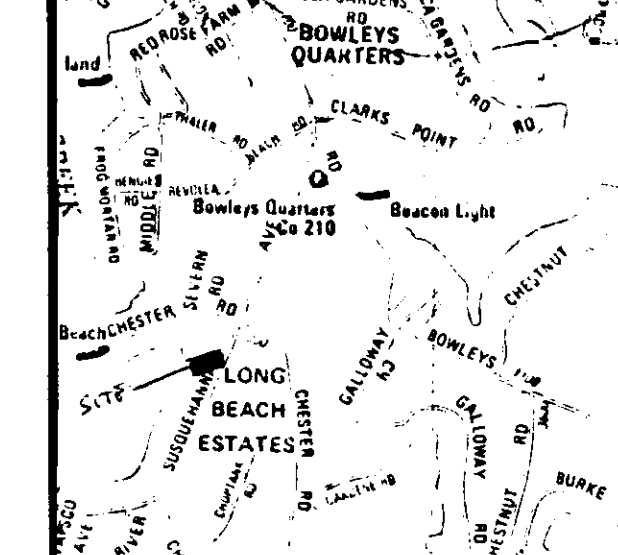
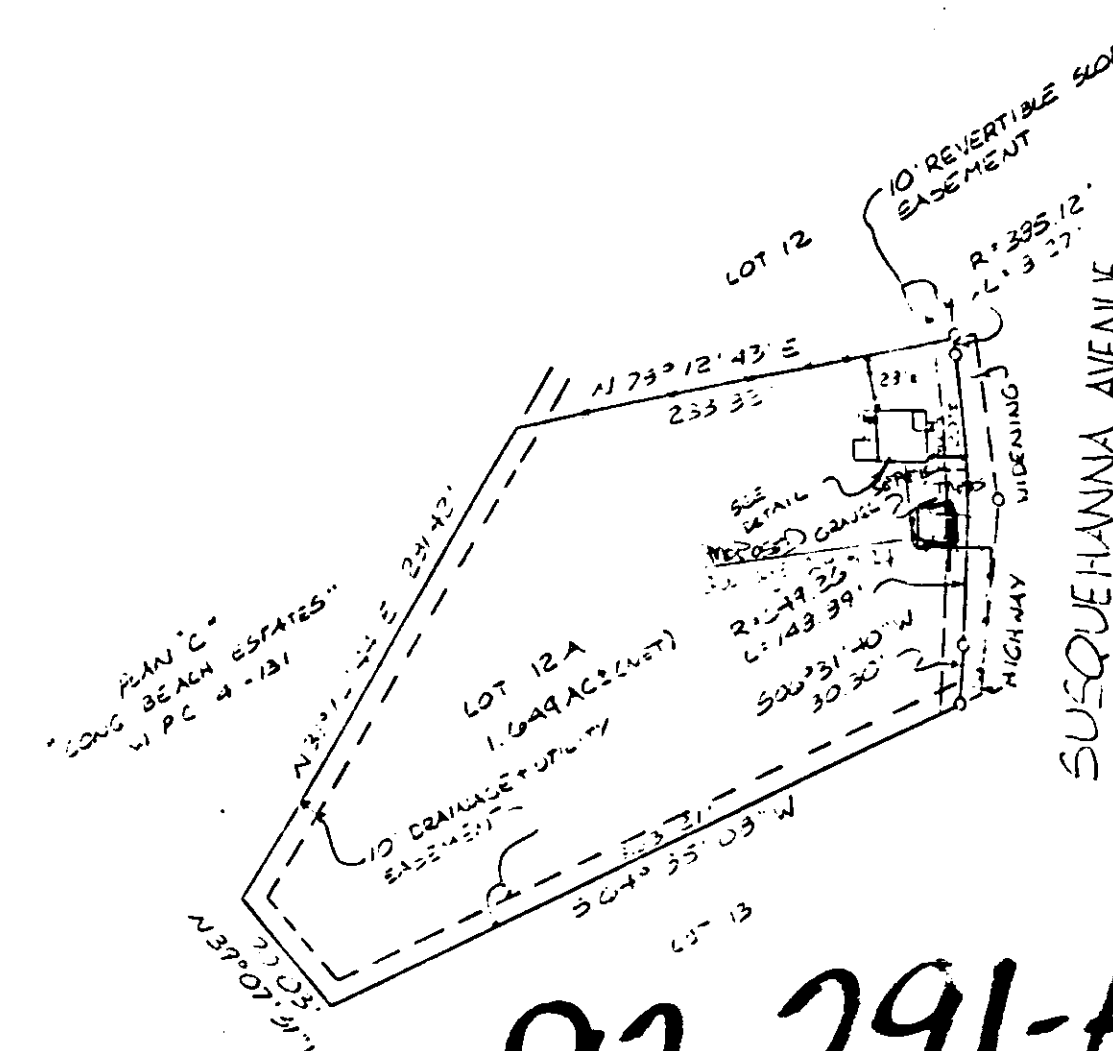


# Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 1004 SUSQUEHANNA AVE see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: LONG BEACH ESTATES plat book # 12, folio # 123, lot # 12, section #

OWNER: ROSEMARIE & THOMAS LEHNER



## LOCATION INFORMATION

Councilmanic District: 5  
Election District: 15  
1"=200' scale map: 20 24  
Zoning: D.R. S-1  
Lot size: 2,511 square feet

SEWER: ☐  
WATER: ☐

Chesapeake Bay Critical Area: ☐  
Prior Zoning Hearings: 1/15/92

## Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#: 66 310



North  
date: 11/20/92  
prepared by: Tom Lehner Scale of Drawing: 1"=100'

92-291-A





BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	BOWLEYS QUARTERS	NE 2-K
DATE OF PHOTOGRAPHY JANUARY 1986		310

PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W. V. 25401